

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

DR. JOSEPH CICCIO, et al.	)	
	)	
Plaintiffs,	)	Case No. 3:19-cv-00845
	)	
v.	)	Judge Aleta A. Trauger
	)	Magistrate Judge Joe Brown
SMILEDIRECTCLUB, LLC, et al.	)	
	)	Jury Demand
Defendants.	)	

**DEFENDANTS' MOTION TO DISMISS  
THE PLAINTIFF ORTHODONTISTS' CLAIMS**

Pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), Defendants respectfully move the Court to dismiss the Plaintiff Orthodontists' claims for failure to plead with particularity and failure to state a claim upon which relief may be granted. The Orthodontists' factual allegations, treated as true, do not support any liability against any of the Defendants. The Orthodontists have thus failed to set forth any plausible legal basis to support a claim for damages.

Defendants submit a memorandum in support of this Motion.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via the Court's ECF Filing System this the 13th day of December, 2019.

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